SOUTHERN DISTRICT			
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NORTH AMERICA PHOTON INFOTECH, LTD.,		:	
		:	
	Plaintiff,	:	
		:	20 Civ. 2180 (JPC)
-V-		:	, ,
		:	ORDER
ZOOMINFO LLC,		:	
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	Defendant.	:	
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JOHN P. CRONAN, United States District Judge:

LINITED STATES DISTRICT COLLET

A bench trial in this case is set to begin on June 24, 2022, in Courtroom 12D of the Daniel Patrick Moynihan United States Courthouse, 500 Pearl Street, New York, New York 10007.

Pursuant to Rule 43(a) of the Federal Rules of Civil Procedure, the current COVID-19 pandemic constitutes compelling circumstances and provides good cause to allow remote testimony, to which both parties have consented. Accordingly, after due deliberation, this Court adopts the following procedures. To the extent any of the below procedures vary from any procedures discussed in Court or pursuant to the undersigned's Individual Rules and Practices in Civil Cases, the below procedures control.

Any party objecting to these procedures or who wishes to suggest alternate procedures shall do so by a letter submitted on ECF no later than **June 3, 2022**.

IT IS HEREBY ORDERED THAT:

- Videoconferencing Solutions. Remote witnesses may testify remotely by video as set forth herein. Counsel shall participate in appropriate pre-trial technology testing no later than
 June 20, 2022 and as may be required by further order of the Court.
- 2. Pre-Trial Submissions. The parties shall file lists of in-person and remote witnesses, exhibit lists, and any pre-trial briefs on ECF by June 3, 2022.
- **3. Direct Examination**. Direct examination shall occur by affidavit. Cross-examination, re-direct examination, and re-cross examination shall occur in-person or via videoconferencing.
- 4. Submission of Exhibits for Cross-Examination. The party cross-examining a witness shall prepare a binder containing all exhibits that the cross-examining party intends for the cross-examinee to view during cross-examination. By no later than June 15, 2022, the cross-examining party shall provide (1) two copies of the binder to opposing counsel and (2) one copy of the binder, along with a thumb drive containing electronic versions of the documents in the binder, to the Court.

The counsel presenting the direct testimony from the cross-examinee shall then provide one copy of the binder to the cross-examinee in advance of their anticipated testimony by **June 22, 2022**. The binders shall be securely sealed and shall, on their exteriors, clearly instruct the cross-examinee and their counsel not to open the binders until directed to do so.

5. Remote Testimony. Remote witnesses shall be sworn in over remote means, and their testimony will have the same effect and be binding in the same manner as if they were sworn in by the Courtroom Deputy in person in open court at the courthouse. Counsel shall be responsible for ensuring that the remote technology and all exhibits from all parties are supplied to the remote witnesses in hard copy prior to trial. When called to testify, the remote witnesses shall situate

themselves in such a manner as to be able to view the video screen and be seen by the Court.

During remote witnesses' testimony, no person may be present in the room from where they are

testifying and they may not access or otherwise have within sight or reach any documents except

the cross-examination binder.

6. Courtroom Formalities. The trial constitutes a court proceeding and any recording

other than the official court version is prohibited. No party may record images or sounds from any

location. The formalities of a courtroom must be observed.

SO ORDERED.

Dated: March 14, 2022

New York, New York

JOHN P. CRONAN

United States District Judge